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Tribute to Justice Charles M. Leibson*

BY ROBERT F. STEPHENS**

It is only fitting and proper that the *Kentucky Law Journal*, an institution dedicated to academic achievement, intellectual development and legal writing, should add its voice in tribute to the late Supreme Court Justice Charles M. Leibson.

As a fellow Justice on the Supreme Court since January 1983, until a few weeks before his death in December of 1995, I had the opportunity and the privilege of knowing Charlie Leibson. He was, in my view, the role model for an appellate judge. Blessed with a great intellect, he developed a tremendous work ethic. No task was too small or too large for him. He researched every issue in every case that came before us. If an attorney, or any of his fellow justices, was ill-prepared, such fact invariably came to light when Charlie was involved in the discussion. The Boy Scout motto of "be prepared" was a caveat that all of us learned to live by when we prepared for discussion on cases pending before us.

Justice Leibson was totally nonpolitical when considering court matters — whether substantive issues or policy decisions. His standard of personal and professional ethics was second to none. The Canons of Judicial Ethics were — to him — simply a starting point. His courage in addressing controversial issues was simply mind-boggling. The political

* Justice Leibson served on the Kentucky Supreme Court from 1983 to 1995.

** Chief Justice, Kentucky Supreme Court, October 1982 to present.

“correctness” or the public’s view of issues *never* entered into his decision making process. If the law as he viewed it mandated a certain decision, he made it. Witness, for example, his opinion in *Commonwealth v. Wasson*.¹

His espousal of, and dedication to, the United States Bill of Rights and the Kentucky Bill of Rights, was a highlight of his judicial philosophy. No member of this Court, in this century, had a greater impact in enforcing those great constitutional protections against arbitrary conduct on the part of government against individual citizens. He will, of course, be most remembered for his forceful and scholarly opinions in the developing areas of so-called “plaintiffs’ cases.” He passionately believed that when a person was injured by the negligence of another, full compensation for that injury must be made and that it was the duty of courts to enforce that right.

It is my opinion that two of the men with whom I have served on the Kentucky Supreme Court — Charles M. Leibson and former Chief Justice John S. Palmore — were the true giants on Kentucky’s highest court in the twentieth century.

I will not dwell on Charlie Leibson, the man, the father, the grandfather, the loving husband. I will not enlarge this tribute by reciting the multifaceted talents and interests of this Renaissance Man — his love of classical music and opera, his love of college sports, his participation in competitive sports. I will not reveal the depth of his courtesy to all people. But, all these traits, and more, made up Charlie Leibson — the man.

He loved the law and lawyers. His gift to this Court, to the jurisprudence of this Commonwealth, will last forever. Our great friendship and camaraderie has carried me through many rough spots. He marked my life and I treasure our years together. Charles M. Leibson — a great judge, — a great man — and a great friend.

¹ 842 S.W.2d 487 (1993) (holding Kentucky’s statute prohibiting homosexual sodomy invalid under the state constitution).



Justice Charles M. Leibson.

